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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,723	07/15/2003	Bobby Gene Ward	17903	7125
7590	09/22/2004		EXAMINER	
Joseph A. Tessari, Esquire Tyco Technology Resources Suite 140 4550 New Linden Hill Road Wilmington, DE 19808-2952			LEON, EDWIN A	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/619,723	WARD ET AL.	
	Examiner Edwin A. León	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 June 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,3-5 and 8-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 8,9 and 14-16 is/are allowed.

6) Claim(s) 1,5,10 and 12 is/are rejected.

7) Claim(s) 3-4, 11 and 13 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed June 29, 2004 in which Claims 1, 3, 5, 8-10 and 12-13 have been amended, Claims 2 and 6-7 have been cancelled and new Claims 14-16 have been added, has been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1, 5, 10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Taguchi et al. (U.S. Patent No. 6,383,020). With regard to Claim 1, Taguchi et al. discloses an apparatus for connecting electrical components comprising; a plug element (2) having a generally box-like configuration; a plug terminal position assurance element (7) having a generally box-like configuration, the plug terminal position assurance

element (7) being structured to fit at least partially within the plug element (2); a cap (5) having a generally box-like configuration; a cap terminal position assurance element (6) having a generally box-like configuration, the cap terminal position assurance element (6) being structured to fit at least partially within the cap (5); wherein, when the plug element (2) is mated to the cap (5), the plug element (2), the cap (5), the plug terminal position assurance element (7) and the cap terminal position assurance element (6) interlock to form a box-in-box-in-box-in-box construction. See Figs. 1-8.

With regard to Claim 5, Taguchi et al. discloses the plug terminal position assurance element (7) comprising cutaways (34, end part of 19), which mate with at least one corresponding key (35) and at least one corresponding rail (26) on the cap (5). See Figs. 1-8.

With regard to Claim 10, Taguchi et al. discloses the plug element (2) further comprising a detent (72), which cooperates with a slot (59) on the plug terminal position assurance element (7) to retain the plug terminal position assurance element (7) in position. See Figs. 1-8.

With regard to Claim 12, Taguchi et al. discloses the cap (5) further comprising a detent (35), which cooperates with a slot (34) on the cap terminal position assurance element (6) to retain the cap terminal position assurance element (6) in position. See Figs. 1-8.

Allowable Subject Matter

4. Claims 8-9 and 14-16 are allowed for the reasons stated in the Office Action of April 21, 2004.

5. Claims 11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims for the reasons stated in the Office Action of April 21, 2004.

6. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The references fail to teach, disclose, or suggest, either alone or in combination the plug terminal position assurance element comprises cutaways which mate with the at least one corresponding key and at least one corresponding rail on cap and in combination with the rest of the limitations of the base and intermediate claims.

Response to Arguments

7. Applicant's arguments filed June 29, 2004 have been fully considered but they are not persuasive. In response to Applicant's arguments regarding Claim 1, that the

Taguchi et al. reference does not show the plug terminal position assurance element (7) having a generally box-like appearance, with four continuous walls and a first open end and a partial web across the second end, Applicant misinterprets the principle that claims are interpreted in the light of the specification. Although these elements are found as examples or embodiments in the specification, they were not claimed explicitly. Nor were the words that are used in the claims defined in the specification to require these limitations. A reading of the specification provides no evidence to indicate that these limitations must be imported into the claims to give meaning to disputed terms.

Constant v. Advanced Micro-Devices Inc., 7 USPQ2d 1064.

In response to Applicant's arguments regarding Claim 1, that the Taguchi et al. reference does not show a box-in-box-in-box-in-box construction, Applicant is reminded that the arrangement "box-in-box-in-box-in-box" is deemed broad since it does not describe any specific order in which the boxes have to be inserted inside the other. Therefore, it is the Examiner's opinion that the configuration shown in Fig. 3 would read on Applicant's claims in their broadest interpretation.

Conclusion

8. **THIS ACTION IS MADE FINAL** necessitated by amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin A. León whose telephone number is (571) 272-2008. The examiner can normally be reached on Monday - Friday 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800, extension 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WA h-25
Edwin A. Leon
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EAL
September 18, 2004

Gary Paumen
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Primary Examiner